



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.07.2018
CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P.[MD].No.1008 of 2018
and
W.M.P.(MD).No.1050 of 2018

K.Ravi

: Petitioner

Vs.

- 1.The Director of Panchayat Raj,
Panagal Maligai,
Fourth Floor, Abdul Rasath Street,
West Saidapet, Chennai.
- 2.The Director of Town Planning Authority,
No.6, Trichy to Chennai Highway,
Anna Salai, Chennai.
- 3.The Deputy Director of Town Planning,
Thanjavur Division, Medical College Road,
Thanjavur.
- 4.The District Collector/Inspector of Panchayat,
Thanjavur District, Thanjavur.
- 5.The Block Development Officer/Special Officer,
Maruthanallur Panchayat,
Kumbakonam Block Development Office,
Kumbakonam, Thanjavur District.
- 6.M/s.RJPN Developers & M/s.Ramesh Rajann
Constructions Private Ltd.,
Rep by its Managing Director,
Mr.Yuvarajann, S/o.B.Radhakrishnan,
No.11, Gopalakrishnan Street, T.Nagar, Chennai.

7.D.Ramesh

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from granting final approval for the modified layout pending in Ma.Va.Na.U.E.No.38/2015 and consequently direct the fifth respondent not to effect re-conveyance of 130000 sq.ft gifted through document No.34/2010, dated 15.04.2010.



For petitioner : Mr.S.Chellapandian
For respondents 1to4 : Mr.R.Sethuraman
Special Government Pleader
For Respondent Nos.5&7 : No Appearance
For Respondent No.6 : Mr.R.Vijayakumar

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O R D E R**[Order of the Court was made by C.T.SELVAM, J.]**

The petitioner, claiming himself to be Ex-President of Maruthanallur Village Panchayat, Thanjavur District and contending that the sixth respondent, having obtained approval for layout, after registering necessary gift deed towards converting of roads and park area, etc., in the year 2010, had again approached the authorities to wrongfully convert a portion of property, that he had gifted in favour of Maruthanallur Village Panchayat, into salable plots and that the authorities, despite strong objections, were inclined to permit the sixth respondent to do so, has moved the present Writ Petition, seeking a Writ of Mandamus forbearing the respondents from granting final approval for the modified layout pending in Ma.Va.Na.U.E.No.38/2015 and consequently direct the fifth respondent not to effect re-conveyance of 130000 sq.ft gifted through document No.34/2010, dated 15.04.2010.

2. We have heard Mr.S.Chellapandian, learned counsel for the petitioner, Mr.R.Sethuraman, learned Special Government Pleader for the respondents 1 to 4 and Mr.R.Vijayakumar, learned counsel for the sixth respondent.

3. The counter affidavit of the third respondent makes it clear that the areas, which are to be held by the fifth respondent as roads, parks, i.e., areas intended for public use, do not form part of the proposal for conversion and it is only the area, which had been reserved for Community Halls, Library, etc., in respect of which the sixth respondent had sought conversion into salable plots. In particular circumstances, the sixth respondent would be entitled to do so, as Empowered Committee constituted with the Director of Town and Country Planning as Convener, the Housing Secretary and the Secretary of Municipal and Water Supply Department, decided and resolved at its 30th Empowered Committee Meeting held on 27.11.2015 that the salable reserved plots are not sold within five years from the final approval and amenities, which were to be provided in such areas, like community hall, library and school, were already available within 2 to 3 kilometres radius from the layout and the same may be de-reserved and converted into residential use with the previous concurrence of the Director of Town and Country Planning. In Paragraph No.15, such an affidavit informs as follows:-

"15. Regarding the averments made in para 8 of the affidavit, it is submitted that since after 5 years completed, the public purpose plots are not sold and also within 2^{1/2} KM radius at Kumbakonam



Main Road, a Community Hall named as "Anbumahal" constructed and now in use, around this hall, shops are developed. Within 1^{1/2} KM distance, Saint Xavier School and College available in Mannarkudi road. Within 150 metres distance Mahindra Sale and Service Show Room, situated at Marudhanallur Village. Within 1^{1/2} KM distance from the layout at Thippirajapuram village a Government Primary School and Government of India Agriculture Fertiliser and Seeds Sales Depot, Kowsalya Thirumana Mandapam, Mangalam Mahal and Pappu Amman Thirumana Mandapam are also available. Hence, the Director deserved the salable reservation areas into residential purpose vide the proceedings ROC.No.16511/2015/LA2, dated 19.11.2015 in LP/DTCP No.38/2015".

4. In Paragraph No.16 of the affidavit, we find the assertion that the reserved area of park and open space handed over to the local body are kept vacant and are in possession of the local body/the fifth respondent herein. In the circumstances, we accept the submission of the learned counsel for the sixth respondent that there is no violation of layout Rules and find the action of the third respondent towards de-reserving salable areas towards same being plotted out and sold for residential purpose quite in order.

5. The Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

- 1.The Director of Panchayat Raj,
Panagal Maligai,
Fourth Floor, Abdul Rasath Street,
West Saidapet, Chennai.
- 2.The Director of Town Planning Authority,
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- 3.The Deputy Director of Town Planning,
Thanjavur Division, Medical College Road,
Thanjavur.
- 4.The District Collector/Inspector of Panchayat,
Thanjavur District, Thanjavur.



5. The Block Development Officer/Special Officer,
Maruthanallur Panchayat,
Kumbakonam Block Development Office,
Kumbakonam, Thanjavur District.

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+1CC to Mr.R.Vijayakumar Advocate in SR.No.75191.

+1CC to Special Government Pleader in SR.No.75311.

NB

DS SKN-RSK SAR-1 :11.08.2018: 4P/8C

ORDER MADE IN
W.P.[MD].No.1008 of 2018
25.07.2018